



**Westfield–Washington Township Board of Zoning Appeals (BZA)**  
**Minutes of the March 9, 2021 BZA Meeting**  
*Presented for approval: April 13, 2021*

**The Westfield-Washington Township Board of Zoning Appeals (BZA)**  
**met both in-person and virtually at 7:00 p.m. on Thursday, March 9, 2021.**

**OPENING OF MEETING:** 7:00 PM

**ROLL CALL**

Members Present: Jeff Boller, Jeannine Fortier, Ken Kingshill, Victor McCarty, and Dave Schmitz.

Members Absent: All present.

City staff present: Kevin Todd, Director; Pam Howard, Senior Planner; Daine Crabtree, Associate Planner; Christopher Larsen, Director of IT; and Beth Copeland, Legal Counsel.

**REVIEW RULES AND PROCEDURES**

Crabtree reviewed BZA rules and procedures.

**SUSPENSION OF BZA RULE OF PROCEDURE ARTICLE 9, 1B**

Todd explained the reasoning behind of removal of this article for administering oaths to speakers before the BZA.

Kingshill motioned to suspend the rule.

McCarty seconded. Motion passed. Vote 5-0.

**APPROVAL OF MINUTES**

Kingshill motioned to approve the February 9, 2021 Minutes.

Fortier seconded. Motion passed. Vote 5-0.

**INTRODUCTION**

New BZA Member, Mr. Jeff Boller

**ITEMS OF BUSINESS:**

**2103-VS-03**

**[PUBLIC HEARING]**

**2150 E. Greyhound Pass (Menards)**

*Menard, Inc.*

The Petitioner requests an amendment to a previously approved Variance of Development Standard to encroach fifteen (15) feet into the fifteen (15) foot Side Yard (east) Setback; and additional Variances of Development Standard to encroach thirty-one (31) feet into the sixty (60) foot Front Yard (south) Setback, and to exempt the proposed development from the Architectural Standards, Landscaping Standards, and Outside Storage and Display Standards of the UDO (Articles 4.22(B), 6.3(F), 6.8, & 6.12(C)).

*(Planner: Pam Howard – [phoward@westfield.in.gov](mailto:phoward@westfield.in.gov))*

Howard overviewed this request for an amendment to a previously approved Variance of Development Standard.

Tyler Edwards, with Menard, Inc. located at 5101 Menard Drive, Eau Claire, WI summarized the request to accommodate the change in outdoor storage.

Public Hearing for 2103-VS-03 opened at 7:16 p.m.

No public comments.

Public Hearing for 2103-VS-03 closed at 7:18 p.m.

Boller asked if this would impact 147<sup>th</sup> Street.

- Howard replied no.

McCarty asked for clarification on entrances.

- The Petitioner agreed with McCarty's view of the entrances.

Schmitz asked for clarification on height.

- Edwards explained the design of the roof.

Kingshill asked Staff if this project had gone through TAC.

- Howard said it had.

McCarty motioned to approve 2103-VS-03 with the following six Staff conditions:

- That the Setback Variances only apply to the proposed Accessory Building, as depicted on the Site Plan (Exhibit 3).
- The Architectural Standards, Landscaping Standards, and Outside Storage and Display variances only apply to the improvements being reviewed under APC docket 2103-DDP-09, which is partially represented by Exhibit 3 and Exhibit 4.
- That the Accessory Building be constructed in substantial compliance with the Proposed Elevations (Exhibit 4).
- That the addition to the Principal Building be constructed in substantial compliance with the Proposed Elevations (Exhibit 4).
- That the landscaping be installed in substantial compliance with the Site Plan (Exhibit 3).
- That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

McCarty seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-03.

Kingshill seconded. Motion passed. Vote 5-0.

## **2103-VS-05**

### **[PUBLIC HEARING]**

## **15823 Nocturne Way**

*Joe Pohrer*

The Petitioner requests a Variance of Development Standard to encroach five (5) feet into the twenty (20) foot Minimum Rear Yard Setback to accommodate a retractable pergola and deck on 0.26 acres +/- in the Davis PUD.

*(Planner: Daine Crabtree – [dcrabtree@westfield.in.gov](mailto:dcrabtree@westfield.in.gov))*

Crabtree overviewed this request for a Variance of Development Standard. He said that the HOA had approved the plan and that Staff had received no comments.

No Petitioner presentation.

Public Hearing for 2103-VS-05 opened at 7:25 p.m.

No public comments.

Public Hearing for 2103-VS-05 closed at 7:27 p.m.

Schmitz asked about the report that addressed the Findings of Fact.  
Kingshill stated that the HOA approval should suffice.

Fortier motioned to approve 2103-VS-05 with the following Staff condition:

- That the variances shall only be applicable to the Property if it is developed in substantial compliance with the Site Plan (Exhibit 3) as determined by the Director of the Westfield Community Development Department

Boller seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-05.  
McCarty seconded. Motion passed. Vote 5-0.

**2103-VS-06**  
**[PUBLIC HEARING]**

**124 E. Main Street**  
*Ben Hoffman*

The Petitioner requests a Variance of Development Standard to exempt the Architectural Standards of the UDO for a Temporary Structure on 0.20 acres in the LB-H: Local Business / Historical District (Article 6.3(F)).

*(Planner: Caleb Ernest – [cernest@westfield.in.gov](mailto:cernest@westfield.in.gov))*

Ernest overviewed this request for a Variance of Development Standard. He said Staff had received no comments. He said that this project had received a letter of support from the Grand Junction Task Group (GJTG).

The Petitioner, Ben Hoffman, summarized the plan to accommodate a trailer for a smoker for BBQ. He said that the business was growing and additional smokers would be needed and be enclosed in the new temporary structure as also mentioned by the GJTG.

Kingshill asked about future plans based on growth.

- Hoffman said he was in discussion with the property owner.

Fortier asked about the type of dining service.

- Hoffman said pick-up, carry out, and limited sit-down outside.

Fortier and Schmitz asked about the Petitioner's knowledge of the condition of approval for an expiration of the variance.

- Hoffman said he understood.

Public Hearing for 2103-VS-06 opened at 7:37 p.m.

No public comments.

Public Hearing for 2103-VS-06 closed at 7:39 p.m.

McCarty said he appreciated the Petitioner's business.

McCarty motioned to approve 2101-VU-01 with the following five Staff conditions:

- That the approval of this Variance shall expire on December 31, 2024;
- That any request to extend the time limit for this Variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2024;
- That a new application shall be submitted by June 30, 2024 to the Community Development Department if an extension to the time limit for the Variance is requested;
- That the building installed on the Property shall be substantially compliant with Exhibit 3 as determined by the Director of the Community Development Department;
- That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Fortier seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2101-VU-01.

Fortier seconded. Motion passed. Vote 5-0.

**2103-VS-07**  
**[PUBLIC HEARING]**

**140 E. 161<sup>st</sup> Street**

*James Meyer*

The Petitioner requests a Variance of Development Standard to encroach two (2) feet into the thirty (30) foot Side Yard Setback on 1.65 acres in the AGSF1: Agriculture / Single-family Rural District (Article 4.2(E)(2)).

*(Planner: Caleb Ernest – [cernest@westfield.in.gov](mailto:cernest@westfield.in.gov))*

Ernest overviewed this request for a Variance of Development Standard. He said that Staff had received comments regarding this request and those comments were forwarded to the BZA members at this time.

The Petitioner, James Meyer, summarized his plan to add a chimney to an accessory building. He said it would be all brick and used for wood burning.

Kingshill referenced letters from the neighbors. He asked the Petitioner about the location of the proposed building and the chimney.

- The Petitioner replied the building was approved.

Fortier asked if the building was one-story or two-story and how tall would the chimney stand.

- The Petitioner said the building was one-story (17-feet tall) and that the chimney would stand 31-feet tall.

Public Hearing for 2103-VS-07 opened at 7:47 p.m.

Several public comments were forwarded to the BZA members.

Three comments were received and also forwarded to the BZA members.

Kingshill asked if the chimney's use and height would be functional.

- Ernest said that the chimney is a permitted use and a chimney is exempt from height standards.

Boller asked about the size of the firebox and the nature of what would be burned.

- The Petitioner replied the size of the fire box was 2 x 6, and that only wood would be burned.

Public Hearing for 2103-VS-07 closed at 7:58 p.m.

Schmitz explained following three elements on the application.

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - Petitioner affirmed.
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - Petitioner affirmed.
- The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.
  - Petitioner affirmed.

Kingshill motioned to approve 2103-VS-07 with the following Staff conditions:

- That the approval of this Variance shall only apply to the proposed Accessory Structure.
- That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

McCarty seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-07.

Fortier seconded. Motion passed. Vote 5-0.

## **2103-VS-08**

### **[PUBLIC HEARING]**

## **17684 Commerce Drive**

*Zanik Corporation by Coots, Henke & Wheeler, P.C.*

The Petitioner requests Variances of Development Standard to permit Outside Storage in an Established Front Yard and perimeter access into said Outside Storage area to be oriented towards a Front Yard on 2.31 acres +/- in the Alpha Tau PUD District (Article 6.12(C)(1)(b)(iii) and 6.12(C)(1)(c)(iii)).

*(Planner: Daine Crabtree – [dcrabtree@westfield.in.gov](mailto:dcrabtree@westfield.in.gov))*

Crabtree overviewed this request for a Variances of Development Standard. He said no comments had been received by Staff.

No Petitioner presentation.

Public Hearing for 2103-VS-08 opened at 8:04 p.m.

No public comments.

Public Hearing for 2103-VS-08 closed at 8:07 p.m.

Dave Coots, on behalf of the Petitioner, responded to Schmitz's questions about the wall in Exhibit 4 by affirming the design of the wall.

Schmitz motioned to approve 2103-VS-08 with the following Staff conditions:

- That the variance shall only be applicable to the Property if it is developed in substantial compliance with the Site Plan (Exhibit 3) and outside storage (Exhibit 4 – called the "Outside Storage Wall Exhibit" on agenda) and as determined by the Director of the Westfield Department of Community Development.

Kingshill seconded. Motion passed. Vote 5-0

*Agendas for all City meetings are updated and available at our website.*

*Website: <http://www.westfield.in.gov> / Community Development Department E-mail: [community@westfield.in.gov](mailto:community@westfield.in.gov)*

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-08.  
McCarty seconded. Motion passed. Vote 5-0.

**2103-VS-10**  
**[PUBLIC HEARING]**

**306 Penn Street**  
*GPG Properties*

The Petitioner requests Variances of Development Standard to modify the Minimum Lot Area and Minimum Setback Standards in order for an existing nonconforming lot and structure on 0.18 acres +/- in the SF4: Single Family High-Density District to become compliant in order to improve the Property (Article 4.7(B) & Article 4.7(D)).  
(Planner: Daine Crabtree – [dcrabtree@westfield.in.gov](mailto:dcrabtree@westfield.in.gov))

Crabtree overviewed this request for a Variances of Development Standard. He said no comments had been received by Staff.

The Petitioner, George Sanburn, summarized the need for the variances for a remodeled home.

Public Hearing for 2103-VS-10 opened at 8:21 p.m.

No public comments.

Public Hearing for 2103-VS-10 closed at 8:23 p.m.

Boller motioned to approve 2103-VS-10 with the following Staff condition:

- That the variances shall only be applicable to the Property if it is developed in substantial compliance with the Site Plan (Exhibit 4) and Site Plan with Setbacks (Exhibit 5) as determined by the Director of the Westfield Department of Community Development.

McCarty seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-10.  
Kingshill seconded. Motion passed. Vote 5-0.

**2103-VS-11**  
**[PUBLIC HEARING]**

**16814 Hawk Creek Circle**  
*Christie L. Clements*

The Petitioner requests a Variance of Development Standard to encroach eleven (11) feet into the thirty (30) foot Minimum Rear Yard Setback in the SF2: Single-Family Low-Density District to accommodate a swimming pool and deck (Article 4.5(E)(3)(a)).  
(Planner: Daine Crabtree – [dcrabtree@westfield.in.gov](mailto:dcrabtree@westfield.in.gov))

Crabtree overviewed this request for a Variances of Development Standard. He said the HOA had approved this plan. He said no comments had been received by Staff.

Public Hearing for 2103-VS-11 opened at 8:26 p.m.

No public comments.

Public Hearing for 2103-VS-11 closed at 8:28 p.m.

Kingshill motioned to approve 2103-VS-11 with the following Staff condition:

- That the variance shall only be applicable to the Property if it is developed in substantial compliance with the Site Plan (Exhibit 3) as determined by the Director of the Westfield Department of Community Development.

McCarty seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-11.

Boller seconded. Motion passed. Vote 5-0.

### **ITEMS CONTINUED TO A FUTURE MEETING**

#### **2103-VS-04**

#### **[PUBLIC HEARING]**

#### **237 Old Ashbury Road**

*Brian Templeman*

The Petitioner requests a Variance of Development Standard to encroach twelve (12) feet into the twenty-five and a half (25.5) foot Minimum Rear Yard Setback on 0.35 acres +/- in the Chatham Hills PUD District to accommodate a swimming pool and deck.

*(Planner: Daine Crabtree – [dcrabtree@westfield.in.gov](mailto:dcrabtree@westfield.in.gov))*

### **REPORTS/COMMENTS:**

- Plan Commission Liaison
- Community Development Department

### **ADJOURNMENT**

Kingshill motioned to adjourn the meeting.

Fortier seconded. Motion passed. Vote 5-0.

The meeting adjourned at 8:30 p.m.

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Chairperson  
Dave Schmitz

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Secretary  
Kevin M. Todd, AICP  
Director